

TFC Contract No. 18-056-000
Tom Green and Company Engineers, Inc.
Assignment No.4
Project No. 18-014A-5531

**INDEFINITE DELIVERY INDEFINITE QUANTITY
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
TOM GREEN AND COMPANY ENGINEERS, INC.**

TFC CONTRACT NO. 18-056-000

ASSIGNMENT NO. 4

THIS INDEFINITE DELIVERY INDEFINITE QUANTITY ASSIGNMENT NO. 4 (hereinafter referred to as “Assignment No. 4” or “Assignment”) is entered into by and between the Texas Facilities Commission, located at 1711 San Jacinto Boulevard, Austin, Texas 78701 (hereinafter referred to as “TFC”) and Tom Green and Company Engineers, Inc., located at 3701 Executive Center Drive, Suite 258, Austin, Texas 78731 (hereinafter referred to as “PSP”) (TFC and PSP are hereinafter referred to individually as a “Party” or collectively as “Parties”), to be subject to the terms and conditions that follow:

DESCRIPTION OF PROJECT: The project for which PSP agrees to provide Professional Services is generally described as performing Retro-commissioning services for mechanical, electrical, and plumbing renovation and replacement work in five (5) state office buildings at the Health and Human Services Commission (“HHSC”) and the Department of State Health Services (“DSHS”) Austin, Texas Headquarters Campuses, including: (i) Brown-Heatly Building; (ii) Robert D. Moreton Building; (iii) DSHS Records Building; (iv) DSHS Tower; and (v) DSHS Services Building (hereinafter referred to as the “Project”), as further depicted in “Exhibit A-4,” PSP’s IDIQ Assignment No. 4 Proposal No. 119009 dated October 23, 2019, attached hereto and incorporated herein for all purposes and consisting of five (5) pages.

DURATION OF ASSIGNMENT: The scope of services of this Assignment No. 4 shall be completed no later than August 31, 2022, unless terminated earlier as provided in Section 3.2 of the Agreement. The schedule is subject to adjustments for possible time extension; however, any extension of time must be approved by the TFC and shall require an amendment to Assignment No. 4.

SPECIAL TERMS AND CONDITIONS OF ASSIGNMENT: Terms and conditions shall be in accordance with the Agreement, any Special Conditions, and with this Assignment No. 4.

SUB-CONTRACTORS TO BE UTILIZED FOR PROJECT: PSP shall perform the services under this Assignment No. 4 with its own forces unless otherwise specified. If the scope of services is less than \$100,000.00, a HUB Subcontracting Plan (HSP) is not required. If the scope of services will exceed \$100,000.00, PSP shall submit an HSP for approval pursuant to Section 11.2 of the Agreement.

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FEE FOR BASIC SERVICES: Fee for the services set forth in this Assignment No. 4 shall not exceed the sum of One Hundred Eighty Thousand and No/100 Dollars (\$180,000.00). No more frequently than once per month, PSP shall submit a Pay Application to TFC for services performed and reasonable and necessary costs and expenses incurred through the last day of the previous month. Any reimbursable expenses, if allowed, shall be in accordance with Section 4.6 of the Agreement.

IDENTIFICATION OF PSP PROJECT MANAGER AND ALL SUBCONTRACTOR:

For this Assignment No. 4, PSP shall identify the Project Manager, PSP's employees and all subcontractors assigned to this project on the List of Project Manager and Subcontractors (hereinafter referred to as the "List"), attached hereto and incorporated herein for all purposes as "Exhibit B-4."

TFC reserves the right to approve the appointment of the PSP Project Manager and to demand that the Project Manager, and any of PSP's employees or subcontractors, be removed and replaced if, in the sole opinion of TFC, their performance on this project or any other projects, is and/or was inadequate or their continued involvement with the Project is, will, or has become detrimental to the timely and successful completion of the project.

The Project Manager and Subcontractors identified in the List shall not be replaced by PSP, nor shall any other subcontractors be engaged by PSP, unless prior written consent is obtained from TFC, which consent shall not be unreasonably withheld, conditioned, or delayed.

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This Assignment shall be effective as of the date of the last Party to sign.


**TOM GREEN AND COMPANY ENGINEERS,
INC.**


DocuSigned by:
By: Cameron Labunski, P.E.
0BF223d17C8d4FF


Cameron Labunski, P.E.

Principal Engineer

Date of execution: 11/19/2019 | 2:06 PM CST

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EXHIBIT A-4

**PSP'S IDIQ ASSIGNMENT NO. 4 PROPOSAL NO. 119009
DATED OCTOBER 23, 2019**

**Tom Green & Company
Engineers, Inc.**

October 23, 2019

PN 119009

Kathy Panak
Senior Project Manager
Texas Facilities Commission
1711 San Jacinto Blvd
Austin, TX 78701

SUBJECT: TFC 2018 IDIQ Assignment No. 4 Department of State Health Services (DSHS):
Proposal for MEP Engineering Services – Retro-Commissioning Services

Dear Kathy:

We appreciate this opportunity to present our proposal for MEP engineering services for the subject project. We look forward to serving you and the Owner with timely and quality services.

As I understand the project, it consists of retro-commissioning (RCx) services requested under the existing IDIQ contract we have with TFC for a Deferred Maintenance project in five state office buildings – Brown Heatley Building (BHB), Robert D. Moreton Building (RDM), DSHS Records Building (DHR), DSHS Tower (DHT), and DSHS Service Building (DSHB).

The five buildings are Health and Human Services, Department of State Health Services (DSHS) office buildings located at 49th and North Lamar in Austin, Texas (see attached pdf). We understand the project is currently in the assessment phase. The five buildings being assessed are:

1. Brown Heatly Building (BHB) – 255,000 square feet, 7 stories, built in 1989;
2. Robert D Moreton Building (RDM) - 122,000 square feet, 7 stories, built in 1989;
3. DSHS Records Building (DHR) – 31,000 square feet, 1 story, built in 1976;
4. DSHS Tower (DHT) - 101,000 square feet, 8 stories, built in 1976; and
5. DSHS Service Building (DSHB) – 40,000 square feet, 1 story, built in 1976.

The project work is primarily repair or replacement of Air Handling Units with related mechanical equipment repair and or replacement. Of the five buildings currently being assessed, the project work will primarily be in the Brown Heatly building, with a minor amount of work in the Robert D. Moreton building. The basic scope addresses only MEP systems, presuming that architectural systems such as roofs, windows, elevators, and doors will be addressed separately by TFC or others. If requested, TGCE will be pleased, through colleagues with appropriate specialties, to include systems or components outside the traditional MEP emphasis of commissioning.

The term commissioning (Cx) and the role of the commissioning agent (CxA) has become commonplace in the market roughly during the last decade. That development has been for good reason, as a general market decline in the true readiness of presumably completed buildings has been observed by many, including ourselves. This observed decline happened to coincide with the virtual disappearance of “start-up” crews in the MEP trades, and the emersion of increasingly sophisticated building systems (especially in MEP trades). The Cx process and the CxA intend to

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bridge these gaps that began perhaps three decades ago, that became apparent and problematic roughly two decades ago, and that began to be better addressed roughly one decade ago.

During this entire (almost 3 decade) period, Tom Green and Company Engineers, Inc.'s (TGCE's) experience in commissioning activities has been extensive. Without exception, in every TGCE project that has been constructed over this period (over 1,000 projects), TGCE has performed detailed functional verifications on representative samples of MEP systems and components. In some projects, the verifications have been for all systems and components. This level of service and this resulting experience is beyond that commonly occurring in the industry.

Through these routine, hands-on construction phase engineering services, TGCE has learned how commissioning processes might better integrate with the overall design and construction processes. Commissioning Verification (CxV) services include.

A. Retro-Commissioning (RCx) Scope

To better define the expected RCx scope, I offer the following outline of Retro-Commissioning Services.

Professional retro-commissioning engineering services shall include, but are not limited to:

1. Review relevant MEP construction documents in detail to understand not only construction, but also functional intent;
2. Develop project specific commissioning plan;
3. Attend meetings to coordinate with CMR;
4. Provide commissioning specifications for incorporation into the CMR's scope of work;
5. Conduct site visits as equipment is being installed to review;
6. Review the test adjusting balance (TAB) reports and provide coordination with the TAB trades;
7. Provide functional performance tests scripts and execute functional performance tests for all equipment to be commissioned;
8. Witness and verify that the controls contractor completes control system calibration and point-to-point checkout for all building automation system (BAS) modifications in coordination with TFC controls personnel;
9. Conduct one (1) re-test of each system, if necessary, to confirm issue resolution;
10. Review Construction Checklists - pertinent installation/assembly instructions from manufacturers, equipment/components assembly/verification, pre-installation readiness, installation;
11. Review Construction Testing Requirements - recommended testing of pertinent equipment from manufacturers, component functional tests, including periodic site reviews to witness tests, system functional tests, including periodic site reviews to witness tests,

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process drawings summarizing controls, sequences, points, and integrated systems testing, testing requirements and testing drawings in Construction Documents;

12. Review Specified Training Requirements - for maintenance/operating personnel and for staff;
13. Review pertinent (approved) submittals;
14. Assist in creation of commissioning activities for inclusion in CMR's construction schedule;
15. Periodically attend construction/Cx meetings (expected to average one or more TGCE representatives weekly when appropriate due to construction activities, planned to coincide with periodic field observations and trades' testing);
16. Periodically observe construction activities, assisting in completion of checklists and witnessing checklists or tests when appropriate in accordance with the commissioning specifications (expected to average one or more TGCE representatives weekly when appropriate due to construction activities, planned to coincide construction progress meetings and component tests);
17. Field verify sample components functional tests for construction team's replication of installation and performance testing;
18. Attend selected construction trades pertinent systems testing, assisting where applicable (expected to average one or more TGCE representatives weekly when appropriate due to construction activities, planned to coincide with construction progress meetings and periodic field observations);
19. Perform comprehensive, component-by-component, sequence-by-sequence, integrated system verification (ISV) tests for MEP systems;
20. Verify any required equipment interconnection with life safety and fire alarm systems is performing as appropriate;
21. Review Systems Manual (prepared by others), describing systems operation;
22. Maintain a master testing log and a separate master deficiency and resolution log;
23. Provide brief periodic reports including issues, deficiencies/resolutions, and test results on commissioning and verification activities of all phases;
24. Submit final report after completion of commissioning activities.

This proposal is limited to the scope of work accomplishable inside of the proposed not-to-exceed fee as defined by TFC. The following table of items were provided to TGCE on 10/07/2019 as proposed design/construction scope, with some related to MEP systems commissioned. Items **BHB-4A, 5, 6, 7, & 16 are currently included in the scope of this commissioning proposal**, but will be adjustable to include additional items by TFC as allowable with any unspent fees or as an additional service with hourly efforts adjusting accordingly.

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Building	Building Item No.	Task	Quantity of Items	Commissioning Required?
BHB	4A	Replace the existing dual duct VAV boxes on floors 4 thru 7. Provide new boxes with new DDC Controls.	179	yes?
BHB	5	Replace the three, single zone air handling units on the first floor. Replace the ductwork in the mechanical rooms. Reuse the existing control valves, piping, and controls sequences.	3	yes
BHB	6	Replace the 23 blow thru double duct units on floors one thru seven. Replace the ductwork in the mechanical rooms. Reuse the existing control valves, piping, and controls sequences.	23	yes
BHB	7	Replace one outside air unit located on the sixth floor. Replace the ductwork in the mechanical rooms. Reuse the existing control valves, piping, and controls sequences.	1	yes
BHB	11	Add a UPS for each DDC Controls Panel.	1? or more?	yes?
BHB	13	Add a dedicated circuit for the DDC Control Panel on the first floor.	1	yes?
BHB	15	Add refrigerant signage to comply with ASHRAE Standards and the International Mechanical Code.		no
BHB	16	Replace existing fire/smoke dampers with pneumatic actuators with new, electric combination fire/smoke dampers.	36?	yes?
BHB	18	Install a new rod and clevis hanger in room 6301. Relocate sprinkler piping to avoid rubbing against existing ductwork.		no
BHB	24	Atrium - Wall Infill 2-hr Wall		no
BHB	25	Stair Exit Pathway - Rated door & hardware replacement.		no
BHB	31	Wall treatment - test for code compliance		no
DHSS	12	Add (4) exit signs	4	yes?
RDM	2	Add PRV to domestic water piping.	1	yes?
RDM	11	Address lobby cladding issue		no

B. Schedule

The currently known project schedule, as defined by TFC:

- Design Development Phase- 7/3/2019 through 1/28/2020
 - 100% DD Package due – 9/25/2019
 - 65% CD Package due – 11/13/2019
 - 90% CD Package due – 12/20/2019
 - 100% CDs due – 1/28/2020
- Construction Phase – February 2020 through March 2022.

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C. Retro-Commissioning Fee

We have included our fees based on the information available to us at this time based on the TFC Project Manager's input, with the resulting in a **not-to-exceed fee of \$180,000** for retro-commissioning services.

It must be understood that the numerous unknowns and investigative nature of this project requires that this fee be an initial fee, potentially requiring additional fees to perform the full scope resulting from TFC's direction. The use of this fee for professional services will be at the TFC Project Manager's direction, with notification of the remaining fee to the TFC PM required at milestones to be determined at the start of the project (at minimum during monthly invoicing).

Where work is performed on an hourly basis, the work will be billable by effort expended based on hourly personnel costs in each billing period, with all unused portions of the fees returned to TFC or available for use by TFC for other tasks. Additional scope items requested by TFC beyond those included in this proposal may also be accomplished inside of this fee allocation, to the extent that fees are available. If scope items result in significant efforts beyond the available fee presented in this proposal, then the fee will require supplement to allow for compensation related to the effort expended.

Our normal hourly rates which apply to our services are as follows: Principal Engineer, \$258.00 per hour; Senior Engineer, \$227.00 per hour; Staff Engineer, \$201.00 per hour; Engineer, \$186.00 per hour; Senior Designer, \$179.00 per hour; Staff Designer, \$165.00 per hour; Engineer-in-training, \$140.00; Designer, \$133.00 per hour; Designer/Drafter, \$117.00 per hour; Technical Assistant, \$110.00 per hour; Drafter, \$108.00 per hour; Administration, \$101.00 per hour; Clerical, \$74.00 per hour.

Reimbursables are not expected for this project and are not included.

D. Acceptance

If this proposal is acceptable to you, please provide an approval consistent with your normal procedures. Should there be any questions or requested changes, please contact me to go over them at your earliest opportunity.

We appreciate this opportunity to be of continued service to you and the TFC, and look forward to a successful project!

Sincerely,



Cameron Labunski, P.E.
Principal Engineer

Texas Firm Registration No. 2929
CL:jh

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EXHIBIT B-4

LIST OF PSP'S PROJECT MANAGER AND SUBCONTRACTORS

**LIST OF PSP PROJECT MANAGER
AND
SUBCONTRACTORS**
(Name, Company Name, Address & Contact Person (Project Manager))

A. PSP Project Manager:		Cameron Labunski, P.E. (Name) Tom Green & Company Engineers, Inc. (Company) 3701 Executive Center Drive, Ste. 258 (Address) 512-512-7714 (Cell #) CAMERONL@TGCE.COM (Email)
B. Subcontractors:		
	1.	None for this assignment (Name) (Company) (Address) (Cell #) (Email)
	2.	(Name) (Company) (Address) (Cell #) (Email)
	3.	(Name) (Company) (Address) (Cell #) (Email)
	4.	(Name) (Company) (Address) (Cell #) (Email)